

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)
)
[Name of Debtor(s)],) Case No. [Case No.]
) (Chapter [Chapter No.])
)
Debtor(s).

WRIT OF ATTACHMENT ON JUDGMENT
ON WAGES, SALARY AND COMMISSIONS OWED BY AN EMPLOYER

To: [Garnishee], [Address of Garnishee, using commas],
Garnishee:

You are hereby notified that any disposable wages (meaning compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and including periodic payments to a pension or retirement program, in excess of any amounts required by law to be withheld) due or to become due from you to [Judgment Debtor] are seized by this Writ of Attachment.

Pursuant to Title 16, Sections 572 and 573, D.C. Code Ann., you are required to withhold **the lesser of:**

(1) 25% of [Judgment Debtor]'s disposable wages for each workweek or other pay period; **or**

(2) the amount by which [Judgment Debtor]'s disposable wages for each week exceed 30 times the prescribed federal minimum hourly wage in effect at the time the wages are payable. In the case of wages for any period other than a week, multiply the current federal minimum hourly wage by 30, then multiply the resultant product by the number of full and/or partial weeks which are included in the pay period being considered,

and pay same to [Judgment Creditor] within fifteen (15) days after the close of the last pay period of [Judgment Debtor] ending in each calendar month, until said judgment, described below, including interest, costs and other charges shall have been satisfied or until otherwise notified by this court, subject to the following qualifications:

(1) upon written notice of any court proceeding attacking this writ or the judgment on which it is based, you are required to withhold the required amounts but are required not to make payments to the [Judgment Creditor] until receipt of an order of court terminating the proceeding; and

(2) you shall not withhold or pay over more than 10% of the gross wages payable to [Judgment Debtor] for any pay period ending in any calendar month until the total amount of gross wages paid or payable to [Judgment Debtor] for all pay periods ending in such calendar month equals \$200, nor more than 20% of the gross wages in excess of \$200 payable to [Judgment Debtor] for any pay period ending in any calendar month until the total amount of gross wages paid or payable to [Judgment Debtor] for all pay periods ending in such calendar month equals \$500.

If you fail to pay to [Judgment Creditor] the percentage of wages prescribed which become payable to [Judgment Debtor] for any pay period, judgment may be entered against you in an amount equal to such percentage of wages which you fail to pay to [Judgment Creditor].

The Judgment against [Judgment Debtor] (entitled [Title of Judgment]) was entered in this case on [Date of Entry of Judgment], in favor of [Judgment Creditor] in the amount of [\$ Amount of Judgment] together with interest, in accordance with 28 U.S.C. § 1961, after [Date of Entry of Judgment], at the rate of [Judgment Interest Rate without % sign] percent per annum compounded annually, and with [\$ Amount of Credits or "no"] credits having been received on the Judgment, the amount calculated by [Judgment Creditor] to be owed as of [Date of Calculation], is [\$ Amount owed up to and including Date of Calculation], with additional interest accruing after that date, plus any further allowable costs.

You are hereby further notified that this Writ of Attachment constitutes a lien and continuing levy for the amount above stated upon the disposable wages due or to become due from you to [Judgment Debtor]. If other attachments against [Judgment Debtor] have been served upon you and are still unsatisfied, you are required under the law to make withholdings to satisfy the attachments in the order in which the attachments were received by you. If you were served with two or more attachments at the same time, the one bearing the earlier time stamp of the United States Marshal is entitled to be satisfied first.

In the event that [Judgment Debtor] leaves your employ for a period of ninety (90) days or less, and is then re-employed, this attachment shall remain in full force and effect and you are required to resume the withholdings from [Judgment Debtor]'s disposable wages. In the event that [Judgment Debtor] leaves your employ for a period of ninety-one (91) days or more, this attachment shall terminate and you shall return your copy of this attachment to the court,

setting forth the date of the termination.

Within ten (10) days after this Writ of Attachment is served upon you, you are required:

- to answer the attached interrogatories, **UNDER PENALTY OF PERJURY;**
- to serve copies of the answers to interrogatories, by mail (or other means permitted by applicable rules), upon the attorney(s) for [Judgment Creditor] and upon [Judgment Debtor] at their respective addresses noted below; and
- to file with the clerk of this court the original of the answers to the interrogatories, accompanied by a certificate reciting when and how service was made upon the attorney(s) for the [Judgment Creditor] and upon [Judgment Debtor].

If you fail to take these steps within 10 days, judgment may be entered against you for the entire amount of [Judgment Creditor]'s claims with interest and costs.

Filing with the clerk is not complete upon mailing. Filing is only complete upon actual receipt:

- at the clerk's office (Room 4400 E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, DC 20001) during the hours it is open; or
- upon delivery to the drop box at the security desk at the John Marshall entrance to the courthouse as provided by Rule 5005-1 of this court's Local Bankruptcy Rules (available at the clerk's office and on the court's website (<http://www.dcb.uscourts.gov/>)).

In contrast, service is complete upon mailing, and for your convenience, the Interrogatories in Attachment are accompanied by a blank certificate of service by mail which may be filled out by you to reflect service by mail of your answers (once you have filled in answers to the Interrogatories and signed the answers).

If, within ten (10) days after service of the answers, or such later time as the court may allow, the [Judgment Creditor] does not contest your answers pursuant to Title 16, Section 522, D.C. Code Ann., your obligations under the attachment shall be limited by your answers. See Superior Court Civil Procedure Rule 69-I(d), made applicable here by

F.R. Civ. P. 69(a).

Pursuant to D.C. Superior Court Rule 69-I(e), made applicable here by F.R. Civ. P. 69(a), if [Judgment Creditor] fails to file a motion for entry of judgment:

- within 28 days after answers to the interrogatories are due and not filed and served; or
- within 105 days after you have failed to make a payment due under this writ; or
- within such later time as may be authorized by the court upon a motion made within the applicable period

then the garnishment and attachment shall stand dismissed, unless a judgment has already been entered within the time provided above. Upon written request therefor, the clerk of this court shall enter such dismissal of the garnishment and attachment and shall furnish a certificate of such dismissal to you as garnishee, to [Judgment Debtor], or any other person.

Witness the Honorable Judge of said Court, this ____ day
of _____, 2002.

Denise H. Curtis, Clerk
United States Bankruptcy Court
Room 4400
E. Barrett Prettyman United States
Courthouse
333 Constitution Avenue, N.W.
Washington, DC 20001

By: _____
Deputy Clerk

Copies to:

[Name of Attorney(s) for the Judgment Creditor]
[Firm Name of Attorney(s) for the Judgment Creditor]
[Street No. & Street of Attorney(s) for the Judgment Creditor]
[Suite No. of Attorney(s) for the Judgment Creditor]
[City, State & Zip Code of Attorney(s) for the Judgment
Creditor]
Telephone: [Telephone No. of Attorney(s) for the Judgment
Creditor]
Attorney(s) for [Judgment Creditor]

[Judgment Debtor]
[Street No. & Street of Judgment Debtor]
[City, State & Zip Code of Judgment Debtor]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)
)
[Name of Debtor(s)]) Case No. [Case No.]
) (Chapter [Chapter No.])
)

Debtor(s).

INTERROGATORIES IN ATTACHMENT PURSUANT TO WRIT
ISSUED THE DAY OF , 2002 TO [Garnishee in block
capitals]

NOTICE TO [Garnishee in block capitals], GARNISHEE: As a garnishee, you are required by law (Title 16, Section 521 (a), D.C. Code Ann.) to file answers to the following Interrogatories within ten (10) days after service of the writ upon you. If you fail to answer the Interrogatories, judgment may be entered against you for the entire amount of the [Judgment Creditor]'s judgment (including interest accruing thereon), and costs. Title 16, Section 556(b), D.C. Code Ann.

You are required:

- to file the original of the answers with the Clerk of the Bankruptcy Court (see instructions on the writ); and
- to serve a copy upon the attorney(s) for the [Judgment Creditor] and a copy upon [Judgment Debtor] (and a certificate of service by mail is attached which the garnishee may employ if service is made by mail).

INTERROGATORY 1: If [Judgment Debtor] is employed by you, state the amount of disposable wages, as defined above, said defendant currently earns and when paid. Also state [Judgment Debtor]'s Social Security Number.*

ANSWER: _____

* Your obligations under the writ as to future wages will be fixed by the actual amount of those wages (including any wage increase), not by this answer regarding the current wage earned, but you should explain any variation to [Judgment Creditor] when you make payment under the writ.

INTERROGATORY 2: If [Judgment Debtor] is not employed by you, has [Judgment Debtor] been employed by you in the four-month period next preceding the service of this writ upon you; if so, when were [Judgment Debtor]'s services terminated?

ANSWER: _____

INTERROGATORY 3: If you are presently withholding wages or earnings of [Judgment Debtor] to satisfy an attachment already served upon you, state the name of the judgment creditor to whom you are making payments and the number of the case in which the attachment was issued.

ANSWER: _____

I declare under penalty of perjury that the foregoing answers to the above interrogatories are true and correct.

Executed on: _____, 2002.

[Garnishee], Garnishee

Certificate of Service

I, [Garnishee], state that on the ____ day of _____, 2002, I made service of the foregoing answers to these Interrogatories in Attachment by mailing copies of the same by first class mail to:

[Name of Attorney(s) for the Judgment Creditor]
[Firm Name of Attorney(s) for the Judgment Creditor]
[Street No. & Street of Attorney(s) for the Judgment Creditor]
[Suite No. of Attorney(s) for the Judgment Creditor]
[City, State & Zip Code of Attorney(s) for the Judgment Creditor]
Telephone: [Telephone No. of Attorney(s) for the Judgment Creditor]
Attorney(s) for [Judgment Creditor]

and

[Judgment Debtor]
[Street No. & Street of Judgment Debtor]
[City, State & Zip Code of Judgment Debtor]

I declare under penalty of perjury that the foregoing statement is true and correct.

Executed on: _____, 2002.

[Garnishee], Garnishee